IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5163 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PARMALSINGH D RAJPUT

Versus

OFFICER IN CHARGE

Appearance:

MR IM PANDYA for Petitioner

MR BB NAIK for Respondent No. 1

MS PROMILA SAFAYA for Respondent No. 2

MR BIPIN I MEHTA for Respondent No. 3, 4

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 12/01/2001

ORAL JUDGEMENT

In this petition under Article 227 of the Constitution of India, the petitioner has sought direction against the

respondents to fix the pension of the petitioner and pay him arrears upto the date of the order and return the military discharge certificate of the petitioner.

The petitioner was a sepoy in Indian Army. He served at various places and he was compulsorily retired. His grievance was that the pension should have been fixed and given by the respondent authority. A copy of the affidavit in reply is tendered today contending that the original affidavit in reply was filed and the same is not traceable. It is not disputed that the petitioner was granted compulsory retirement, but he had not put in requisite number of years of service so as to become eligible for pensionary benefits. The period of service with the respondent was less than ten years and therefore there is consensus that the petitioner would not be competent and eligible for pensionary benefits.

In this view of the matter, the petition is required to be rejected. Accordingly, it is rejected. Rule discharged with no order as to costs.

(J.N.Bhatt, J.)
(vjn)